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Attorney Docket No. A-69850-1/DJB/RMS/DCF

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1645

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FAN et al.

Serial No. 09/779,202

Filed: February 7, 2001

For: NUCLEIC ACID DETECTION
METHODS USING UNIVERSAL
PRIMING

Examiner: NOT YET ASSIGNED

Group Art Unit: 1645

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on:

Dated: 6/16/01

Signed: Christine P. Peters

Christine P. Peters

INFORMATION DISCLOSURE STATEMENT AND
STATEMENT OF RELATEDNESS

Assistant Commissioner
for Patents
Washington, DC 20231

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicant wishes to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO-1449. Copies of the documents are enclosed herewith.

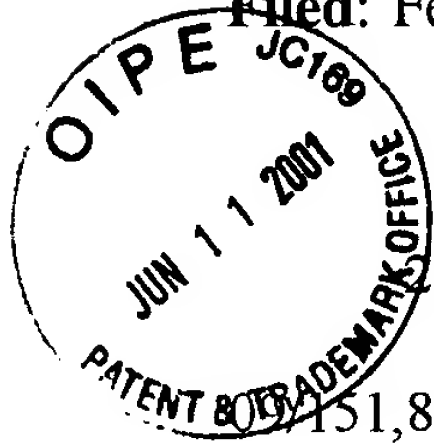
With respect to patent applications, the applicants point out their duty under M.P.E.P. §2001.06(b) to disclose relevant patent applications of which they are aware. To this end, the applicants draw the Examiner's attention to the following patent applications:

1. U.S.S.N. 08/944,850, filed October 6, 1997; U.S.S.N. 09/287,573, filed April 6,

1999.

Serial No.: 09/779,202

Filed: February 7, 2001



U.S.S.N. 08/818,199, filed March 24, 1997, now Patent No. 6,023,540; U.S.S.N.

09/151,877, filed September 11, 1998; U.S.S.N. 09/786,896, filed September 10, 1999;

U.S.S.N. 09/450,829, filed November 29, 1999; U.S.S.N. 09/816,651, filed March 23, 2001;

U.S.S.N. 09/840,012, filed April 20, 2001.

3. United States Serial Number 09/189,543, filed November 10, 1998; U.S.S.N.

09/344,526, filed June 24, 1999; U.S.S.N. 09/748,706, December 22, 2000.

4. U.S.S.N. 09/256,943, filed February 24, 1999; U.S.S.N. 09/473,904, filed December

28, 1999; U.S.S.N. 09/606,369, filed June 28, 2000.

5. U.S.S.N. 09/553,993, filed April 20, 2000; U.S.S.N. 09/556,463, filed April 21,

2000.

6. U.S.S.N. 09/425,633, filed October 22, 1999; U.S.S.N. 09/535,854, filed March 27,

2000.

7. U.S.S.N. 09/517,945, filed March 3, 2000.

8. U.S.S.N. 09/513,362, filed February 25, 2000.

None of the foregoing references are believed to disclose the invention as claimed.

Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application.

Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

This Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of a national stage, or

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before the mailing date of a first Office Action on the merits. 37 C.F.R. § 1.97(b), and therefore no fee is required. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-69850-1/DJB/RMS/DCF).

Respectfully submitted,

FLEHR, HOHBACH, TEST,
ALBRITTON & HERBERT

Dated: May 31, 2001



David C. Foster
Reg. No. 44,685

Four Embarcadero Center
Suite 3400
San Francisco, CA 94111-4187
Telephone: (415) 781-1989
1053428

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Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	09/779,202
				Filing Date	February 07, 2001
				First Named Inventor	JIAN-BING FAN et al.
				Group Art Unit	1645
				Examiner Name	NOT YET ASSIGNED
Sheet	1	of	6	Attorney Docket Number	A-69850-1/DJB/RMS/DCF

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
✓	1	4,200,110		Peterson et al.	4/1980	
✓	2	4,499,052		Fulwyler	2/1985	
✓	3	4,682,895		Costello	7/1987	
✓	4	4,785,814		Kane	11/1988	
✓	5	4,822,746		Walt	4/1989	
✓	6	4,824,789		Yafuso et al.	4/1989	
✓	7	4,999,306		Yafuso et al.	3/1991	
✓	8	5,002,867		Macevicz	3/1991	
✓	9	5,028,545		Soini	7/1991	
✓	10	5,105,305		Betzig et al.	4/1992	
✓	11	5,114,864		Walt	5/1992	
✓	12	5,132,242		Cheung	7/1992	
✓	13	5,143,853		Walt	9/1992	
✓	14	5,194,300		Cheung	3/1993	
✓	15	5,244,636		Walt et al.	9/1993	

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		Office ³	Number ⁴	Kind Code ² (if known)				
✓	16	EP	0 269 764			6/1988		
✓	17	EP	0 392 546			10/1990		
✓	18	EP	0 478 319			4/1992		
✓	19	EP	0 723 146			7/1996		
✓	20	WO	89/11101			11/1989		
✓	21	WO	93/02360			2/1993		
✓	22	WO	96/03212			2/1996		
✓	23	WO	97/14028			4/1997		
✓	24	WO	97/14928			4/1997		
✓	25	WO	97/40385			10/1997		
✓	26	WO	98/40726			9/1998		

Examiner Signature		Date Considered	
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

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✓	27	5,244,813		Walt et al.	9/1993	
✓	28	5,250,264		Walt et al.	10/1993	
✓	29	5,252,494		Walt	10/1993	
✓	30	5,254,477		Walt	10/1993	
✓	31	5,298,741		Walt et al.	3/1994	
✓	32	5,302,509		Cheeseman	4/1994	
✓	33	5,320,814		Walt et al.	6/1994	
✓	34	5,357,590		Auracher	10/1994	
✓	35	5,380,489		Sutton et al.	1/1995	
✓	36	5,435,724		Goodman et al.	7/1995	
✓	37	5,474,895		Ishii et al.	12/1995	
✓	38	5,481,629		Tabuchi	1/1996	
✓	39	5,494,798		Gerdt et al.	2/1996	
✓	40	5,496,997		Pope	3/1996	
✓	41	5,512,490		Walt et al.	4/1996	
✓	42	5,516,635		Ekins et al.	5/1996	
✓	43	5,565,324		Still et al.	10/1996	

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		Office ³	Number ⁴	Kind Code ² (if known)				
✓	44	WO	98/50782			11/1998		
✓	45	WO	98/53093			11/1998		
✓	46	WO	98/53300			11/1998		
✓	47	WO	99/18434			4/1999		
✓	48	WO	99/60170			11/1999		
✓	49	WO	99/67414			12/1999		
✓	50	WO	99/67641			12/1999		
✓	51	WO	00/04372			1/2000		
✓	52	WO	00/13004			3/2000		

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				Filing Date	February 07, 2001
				First Named Inventor	LIAN-BING FAN et al.
				Group Art Unit	1645
				Examiner Name	NOT YET ASSIGNED
Sheet	3	of	6	Attorney Docket Number	A-69850-1/DJB/RMS/DCF

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		Number	Kind Code ² (if known)			
✓	53	5,573,909		Singer et al.	11/1996	
✓	54	5,575,849		Honda et al.	11/1996	
✓	55	5,633,972		Walt et al.	5/1997	
✓	56	5,639,603		Dower et al.	6/1997	
✓	57	5,656,241		Seifert et al.	8/1997	
✓	58	5,690,894		Pinkel et al.	11/1997	
✓	59	5,814,524		Walt	10/1998	
✓	60	5,840,256		Demers et al.	11/1998	
✓	61	5,854,684		Stabile et al.	12/1998	
✓	62	5,863,708		Zanzucchi et al.	1/1999	
✓	63	5,888,723		Sutton et al.	3/1999	
✓	64	5,900,481		Lough et al.	5/1999	
✓	65	6,023,540		Walt et al.	2/2000	
✓	66	5,679,524		Nikiforov et al.	10/1997	
✓	67	5,856,083		Chelsky et al.	01/1999	
✓	68	5,858,732		Solomon et al.	01/1999	

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		Office ³	Number ⁴	Kind Code ² (if known)				
✓	69	WO	00/16101			3/2000		
✓	70	WO	00/39587			7/2000		
✓	71	WO	00/47996			8/2000		
✓	72	WO	00/48000			9/2000		
✓	73	WO	00/63437			10/2000		
✓	74	WO	00/71243			11/2000		
✓	75	WO	00/71995			11/2000		
✓	76	WO	00/75373			12/2000		

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Filing Date	February 07, 2001
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Sheet 4 of 6

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		Number	Kind Code ² (if known)			
✓	77	6,013,456		Akgavan-Tafti	01/2000	
	78	6,051,380		Sosnowski et al.	04/2000	
✓	79	6,110,678		Weisburg et al.	08/2000	
✓	80	6,172,218	B1	Brenner	01/2001	
✓	81	6,083,763		Balch	07/2000	
✓	82	5,854,033		Lizardi	12/1998	
✓	83	5,554,516		Kacian et al.	09/1996	
✓	84	5,541,311		Dahlberg et al.	07/1996	
✓	85	5,660,988		Duck et al.	08/1997	

FOREIGN PATENT DOCUMENTS

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		Office ³	Number ⁴	Kind Code ² (if known)				
✓	86	WO	98/13523		Pyrose Quencing AB	04/1998		

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Signature

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				Application Number	09/779,202
				Filing Date	February 07, 2001
				First Named Inventor	JIAN-BING FAN et al.
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				Examiner Name	NOT YET ASSIGNED
Sheet	5	of	6	Attorney Docket Number	A-69850-1/DJB/RMS/DCF

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	87	Abel et al., "Fiber-Optic Evanescent Wave Biosensor for the Detection of Oligonucleotides," Anal. Chem. 68:2905-2912 (1996).	
	88	Anonymous, "Microsphere Selection Guide," Bandg Laboratories, (Fisher, In) September 1998.	
	89	Anonymous, "Fluorescent Microspheres," Tech. Note 19, Bang Laboratories, (Fishers, In) February 1997.	
	90	Bangs, L.B., "Immunological Applications of Microspheres," The Latex Course, Bangs Laboratories (Carmel, IN) April 1996.	
	91	Barnard et al., "A Fibre-Optic Chemical Sensor with Discrete Sensing Sites," Nature, 353:338-340 (September 1991).	
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	93	Czarnik, "Illuminating the SNP Genomic Code," Modern Drug Discovery, 1(2): 49-55 (1998).	
	94	Drmanac, R. et al., "Sequencing by Oligonucleotide Hybridization: A Promising Framework in Decoding of the Genome Program," The First International Conference on Electrophoresis, Supercomputing and the Human Genome, Proceeding os th April 10-13, 1990 Conference at Florida State University. Ed. C. Cantor and H. Lim.	
	95	Drmanac, R. et al., "Prospects for a Miniaturized, Simplified and Frugal Human Genome Project," Scientia Yugoslavica, 16(1-2):97-107 (1990).	
	96	Drmanac, R. et al., "Sequencing by Hybridization (SBH) with Oligonucleotide Probes as an Integral Approach for the Analysis of Complex Genomes," International Journal of Genome Research, 1(1):59-79 (1992).	
	97	Drmanac, R. et al., "Sequencing by Hybridization," Automated DNA Sequencing and Analysis, ed. M. Adams, C. Fields and J. Venter. (1994).	
	98	Ferguson et al., "A Fiber-Optic DNA Biosensor Microarray for the Analysis of Gene Expression," Nature Biotechnology, 14:1681-1684 (1996).	
	99	Fuh et al., "Single Fibre Optic Fluorescence pH Probe," Analyst, 112:1159-1163 (1987).	
	101	Healey et al., "Improved Fiber-Optic Chemical Sensor for Penicillin," Anal. Chem. 67(24):4471-4476 (1995).	
	102	Healey et al., "Development of a Penicillin Biosensor Using a Single Optical Imaging Fiber," SPIE Proc. 2388:568-573 (1995).	
	103	Healey et al., "Fiberoptic DNA Sensor Array Capable of Detecting Point Mutations," Analytical Biochemistry, 251:270-279 (1997).	
	104	Hirschfeld et al., "Laser-Fiber-Optic "Optrode" for Real Time In Vivo Blood Carbon Dioxide Level Monitoring," Journal of Lightwave Technology, LT-5(7):1027-1033 (1987).	
	105	Iannone et al., "Multiplexed Single Nucleotide Polymorphism Genotyping by Oligonucleotide Ligation and Flow Cytometry," Cytometry, 39:131-140 (2000).	

Examiner Signature		Date Considered	
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Sheet	6	of	6	Attorney Docket Number	A-69850-1/DJB/RMS/DCF

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	106	Michael et al., "Making Sensors out of Disarray: Optical Sensor Microarrays," Proc. SPIE, 3270: 34-41 (1998).	
	107	Michael et al., "Randomly Ordered Addressable High-Density Optical Sensor Arrays," Anal. Chem. 70(7): 1242-1248 (April 1998).	
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	109	Mignani, et al., "In-Vivo Biomedical Monitoring by Fiber-Optic Systems," Journal of Lightwave Technology, 13(7): 1396-1406 (1995).	
	110	Pantano et al., "Ordered Nanowell Arrays," Chem. Mater., 8(12): 2832-2835 (1996).	
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Examiner Signature		Date Considered	
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